

October 17, 2001

Hon. Christine Todd Whitman
Administrator, U.S. Environmental Protection Agency
Ariel Rios Building, Room 3000
1200 Pennsylvania Avenue, NW
Washington, DC 20460-0001

Dear Administrator Whitman:

We are writing to request a meeting with you to discuss the latest developments regarding EPA's proposal to remove PCBs from the Hudson River. As members of Congress who have long advocated the cleanup of PCBs from the Hudson River, we were very pleased by EPA's announced decision on August 1, 2001, to move forward with the comprehensive plan to dredge the river. However, we are extremely concerned with events since the plan was announced. In recent weeks, EPA's actions, correspondence and statements have raised many troubling questions regarding the status of the cleanup plan.

In at least two instances since September 11, 2001, General Electric has met with high-level EPA officials in Washington, DC. We are deeply concerned that given their persistent efforts to undermine EPA's cleanup plan, GE is attempting to influence the Record of Decision (ROD) in their favor through the design of performance standards. In doing so, GE threatens to undermine the integrity of the cleanup. These meetings between EPA and GE raise several questions that demand explanation. Specifically, why is EPA meeting with GE before the ROD is issued, who has participated in these meetings, and what has been discussed, proposed and agreed to between GE and EPA since the draft proposal was issued?

Adding to our concern is the fact that Region 2, which developed EPA's cleanup plan and has years of experience and technical expertise working with the scientific complexities of this site, has apparently not been involved in these discussions. While we support legitimate performance standards designed to ensure that the clean-up succeeds, we reject the need for their inclusion in the ROD. Performance standards are most appropriately developed as part of the project design phase, with the full consultation of regional project managers. Why are performance standards being considered as part of the ROD, and what is Region 2's level of involvement in setting these standards?

Additionally, we received a copy of your letter of September 18, 2001, that was sent to Scenic Hudson addressing the proposed cleanup plan. This letter raises several questions regarding the use of interagency review. In particular, your letter states that the draft Hudson River proposal "is now circulating for interagency review". We would like to know the purpose of this review and which

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federal agencies are involved. To our knowledge, EPA has never conducted an interagency review on a ROD outside of the trustee agencies involved in the Natural Resources Damage claim. If EPA is circulating the plan outside of the trustee agencies, why is it doing so?

We would like to have these questions answered in writing at your earliest convenience and the opportunity to discuss the Hudson River cleanup plan with you directly before the final ROD is issued. Thank you for your prompt attention to our request.

Sincerely,

Maurice D. Hinchey

Michael R. McNulty

Frank Pallone, Jr.

Jerrold Nadler

Nita M. Lowey